

PROCEEDINGS OF THE COMMON COUNCIL

IN Regular SESSION

Tuesday, July 9, 19 74

CITY OF FORT WAYNE, INDIANA

JOURNAL OF THE PROCEEDINGS

OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council Chambers

Tuesday evening July 9 A.D., 19 74, in Regular

Session. President Samuel J. Talarico in the chair, and

Charles W. Westerman Clerk, at the desk, present the following

members viz:

Burns ✓, Hinga ✓, Kraus ✓

Moses ✓, Nuckols ✓, Donald Schmidt ✓

Vivian Schmidt ✓, Stier ✓, Talarico ✓

Absent

Councilmen , ,

The invocation was given by Reverend Earl Holkeboer - Blackhawk Community

Church

Received report from the City Controller for the month of ,

19 . Motion made and carried that report be made a matter of record and placed on file.

The minutes of the last regular special , 19 ,
June 11, 19 74,

Session having been delivered to the Council, were, on motion, approved and published.

Gracious God:

As Lord of history we acknowledge that all the events in human life, great and small, are Your concern. You have created us to maintain Your world. Through the establishment of gov'ts, You restrain evil and foster order and goodness for mankind.

Grant to those who lead us here in our city, wisdom and concern for our welfare that transcends partisan allegiance. May they, and all of us, face the difficult issues with courage and seek to implement those ordinances and programs of action which may find favor with Thee and serve the best interests of our fellow man.

We thank Thee, Lord, for those who willingly serve to promote the freedom of ALL the citizens and genuinely reveal a concern for ALL the people.

In the Lord's Name,

AMEN



THE CITY OF FORT WAYNE

office of the mayor

June 12, 1974

To the Common Council
Gentlemen and Mrs. Schmidt:

Today, June 12, 1974, I have approved the following ordinances passed by Common Council at its regular meeting on June 11, 1974.

(Bill No. A-74-05-27)
APPROPRIATION ORDINANCE NO. A-11-74

AN ORDINANCE transferring certain funds from the unobligated and unappropriated balance of the Fire Report Account to Account No. 49-370 Supplies.

(Bill No. S-74-05-28)
SPECIAL ORDINANCE NO. S-81-74

AN ORDINANCE approving a contract with A. GROSJEAN & SON for Kelly Drive curb-walk.

(Bill No. S-74-05-29)
SPECIAL ORDINANCE NO. S-82-74

AN ORDINANCE approving a contract with MAUMEE CONSTRUCTION CORPORATION for sidewalk repairs in Lafayette Place.

(Bill No. S-74-05-30)
SPECIAL ORDINANCE NO. S-83-74

AN ORDINANCE approving a certain bid document with HEFNER CHEVROLET and DUTHLER FORD for Fire Department vehicles.

(Bill No. S-74-05-33)
SPECIAL ORDINANCE NO. 84-74

AN ORDINANCE approving a contract with HIPSKIND ASPHALT CORPORATION for improvements in Lincoln Life Project area.

(Bill No. Z-73-05-22)
ZONING MAP ORDINANCE NO. Z-11-74

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. A11, B11.

(Bill No. Z-73-05-20)
ZONING MAP ORDINANCE NO. Z-12-74

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. E-7.

(Bill No. Z-74-03-19)
ZONING MAP ORDINANCE NO. Z-13-74

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. AA5.

(Bill No. Z-74-04-16)
ZONING MAP ORDINANCE NO. Z-14-74

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. CC2.

(Bill No. G-74-05-40)
GENERAL ORDINANCE NO. G-15-74

AN ORDINANCE amending certain sections of Chapter 31 of the 1946 Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. 2726, adopted December 22, 1953.

(Bill No. G-74-05-50)
GENERAL ORDINANCE NO. G-16-74

AN ORDINANCE superceding General Ordinance No. G-11-68, adopting the provisions of the "Abandoned Vehicle Act" of 1969, Ch. 374, Section 1 (IC 9-9-1-1 et seq.) for the implementation by and for the City of Fort Wayne, prohibiting the abandoning of vehicles on public or private premises therein, and providing penalties for the violation thereof.

(Bill No. G-74-05-49)
GENERAL ORDINANCE NO. G-18-74

AN ORDINANCE confirming Declaratory Resolution No. R-13-74 and the execution of the policy thereof, and authorizing and directing the execution and performance of the contract for lease of the municipal electric utility system owned and operated by the City of Fort Wayne, Indiana, to Indiana & Michigan Electric Company.

(Bill No. G-74-05-47)
(Amended)
GENERAL ORDINANCE NO. G-17-74

AN ORDINANCE amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, by adding thereto "Article X, Flood Plain Management and Control."

(Bill No. S-74-05-43)
SPECIAL ORDINANCE NO. S-85-74

AN ORDINANCE approving a contract with JOHN GALT, INC. and HAROLD PALMER for Sanitary Sewer in Market Place of Canterbury.

(Bill No. S-74-05-44)
SPECIAL ORDINANCE NO. S-86-74

AN ORDINANCE approving an Agreement with INDIANA VILLA CAPRI for sanitary sewer.

(Bill No. S-74-05-32)
SPECIAL ORDINANCE NO. S-87-74

AN ORDINANCE approving a contract with MIDWEST HI-RANGER, DIVISION OF MOBILE AERIAL TOWERS for purchase of Hi-Ranger Bucket Truck.

(Bill No. S-74-05-41)
SPECIAL ORDINANCE NO. S-88-74

AN ORDINANCE approving an Agreement with HIPSKIND ASPHALT CORPORATION for water line modifications at Goshen and Harris Roads.

(Bill No. S-74-05-42)
SPECIAL ORDINANCE NO. S-89-74

AN ORDINANCE approving a contract with EVNIREX, INC., A REXNORD COMPANY for purchase of replacement materials for Three Rivers Filtration Plant.

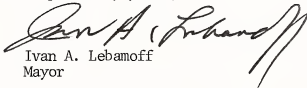
(Bill No. X-72-12-09)
ANNEXATION ORDINANCE NO. X-01-74

AN ORDINANCE annexing certain territory to the City of Fort Wayne and including the same in Councilmanic District No. 2, and repealing certain Annexation Ordinance.

(Bill No. X-72-12-09)
ANNEXATION ORDINANCE NO. X-02-74

AN ORDINANCE annexing certain territory to the City of Fort Wayne and including the same in Councilmanic District No. 2, and repealing certain Annexation Ordinance.

Respectfully yours,


Ivan A. Lebamoff
Mayor

MADE A MATTER OF RECORD
DATE 7/14/74 CHARLES W. WESTERMAN, CITY CLERK



THE CITY OF FORT WAYNE

office of city plan commission

June 12, 1974

COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

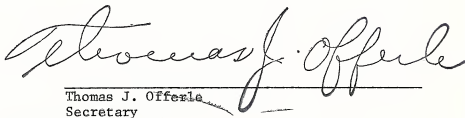
Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. Z-74-03-17

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
12th day of June, 1974.


Thomas J. Offerle
Secretary

MADE A MATTER OF RECORD

DATE 1-4-74 CHARLES W. WESTERMAN, CITY CLERK



THE CITY OF FORT WAYNE

office of city plan commission

June 12, 1974

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held May 20, 1974. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved:

1. Bill No. Z-74-03-17
2. Intended Use: Expansion of an existing use (Kentucky Fried Chicken)
Presently a legal non-conforming use.
3. Plan Commission Recommendation: DO PASS, with conditions.

Note: Restrictive covenants attached

This ordinance received a DO PASS recommendation for the following reason:

- a) The granting of this petition would allow us to improve, not only the lot, but also the use by requiring such things as landscaping, surfacing of parking lot, etc.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

CITY PLAN COMMISSION

Richard S. Wanush
Richard S. Wanush
Senior Planner

RSW:pr
ATT.

cc: Mayor Ivan Lebamoff

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 12, 1974, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-74-03-17: and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

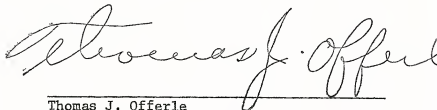
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 13, 1974;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with the overall City plan;

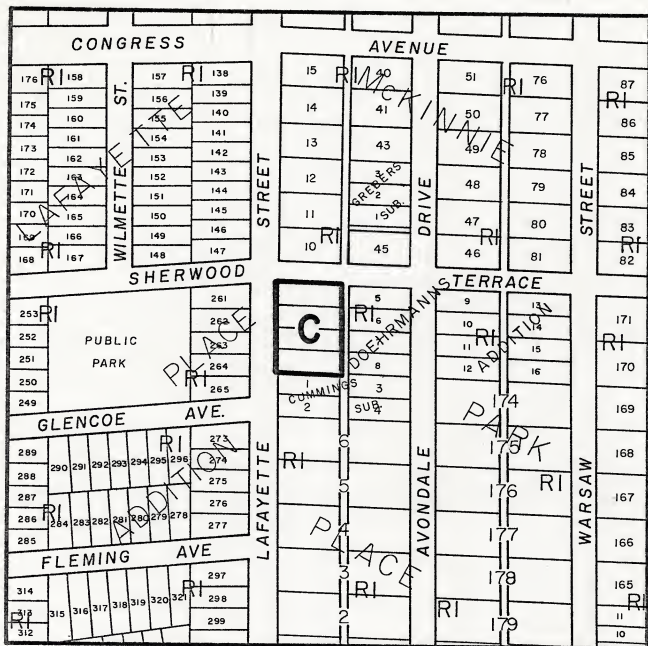
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 20, 1974.

Certified and signed this
12th day of June, 1974.



Thomas J. Offerle
Secretary



C CHANGE FROM RI TO BIB

2-74-03-17





THE CITY OF FORT WAYNE

office of city plan commission

June 26, 1974

COMMUNICATION FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. Z-74-02-27

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
26th day of June, 1974.

Thomas J. Offerle
Secretary

MADE A MATTER OF RECORD
DATE 7-4-74 CHARLES W. WESTERMAN, CITY CLERK



THE CITY OF FORT WAYNE

office of city plan commission

June 26, 1974

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held June 17, 1974. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-74-02-27
2. Intended Use: Intended Use not given by petitioner.
3. Plan Commission Recommendation: DO NOT PASS

This ordinance received a DO NOT PASS recommendation for the following reasons:

- a. Petitioner was not present at public hearing to present this ordinance. Following notification of petition, no response was received.
- b. Petition was filed in 1955 and stricken from the records, again in 1962 and received a DO NOT PASS, and again in 1970 and also received a DO NOT PASS.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

CITY PLAN COMMISSION

Richard S. Wanush
Richard S. Wanush
Senior Planner

RSW:pr
ATT.

cc: Mayor Ivan Lebamoff

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 26, 1974, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-74-02-27; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 13, 1974, and petitioners were not present to present this ordinance; and,

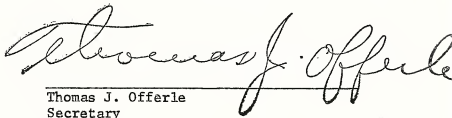
WHEREAS, upon notification of petitioners, no response was received;

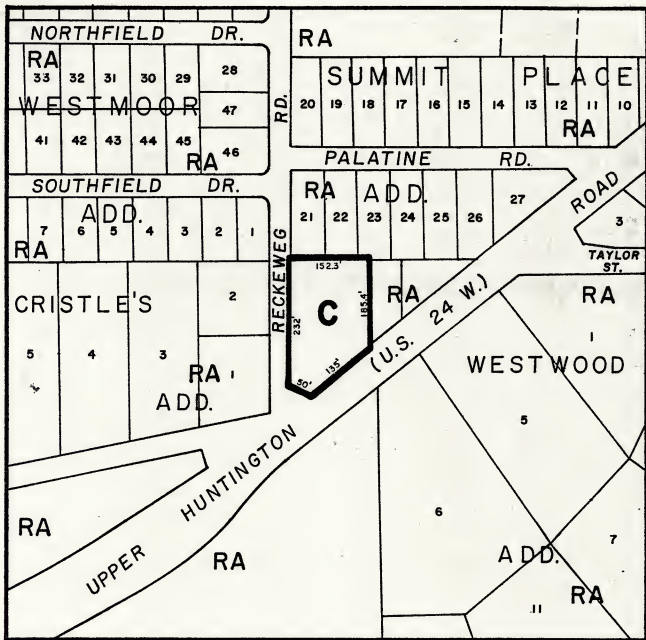
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 17, 1974.

Certified and signed this
26th day of June, 1974.


Thomas J. Offerle
Secretary



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2-74-02-27





THE CITY OF FORT WAYNE

office of city plan commission

June 19, 1974

COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. Z-74-05-52

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
19th day of June, 1974.

Thomas J. Offerle
Secretary

MADE A MATTER OF RECORD
DATE 7-9-74 CHARLES W. WESTERMAN, CITY CLERK



THE CITY OF FORT WAYNE

office of city plan commission

June 19, 1974

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to a zoning text amendment acted upon by the City Plan Commission at their regular meeting held June 17, 1974.

1. Bill No. Z-74-05-52
2. Plan Commission Recommendation: DO PASS

This is an ordinance amending Section 3, Article II, and Section 13, Article IV of Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, providing for Barber Shop, Beauty Parlor, Insurance and similar office uses as Home Occupation Uses In All Districts following Board of Zoning Appeals Approval.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

CITY PLAN COMMISSION

Richard S. Wanush
Senior Planner

RSW:pr
ATT.

cc: Mayor Ivan Lebamoff

RESOLUTION OF ZONING ORDINANCE TEXT AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 28, 1974, referred a proposed zoning text amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-74-05-52; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

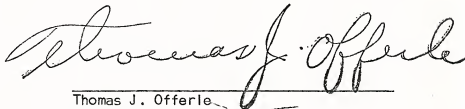
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 17, 1974;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Text of the Zoning Ordinance to be amended, and the amendment will be in the best interest of and benefit to the City of Fort Wayne;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 17, 1974.

Certified and signed this
19th day of June, 1974.



Thomas J. Offerle
Secretary

ZONING ORDINANCE NO. Z-_____

An Ordinance amending Section 3, Article II, and Section 13, Article IV of Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, providing for Barber Shop, Beauty Parlor, Insurance and similar office uses as Home Occupation Uses in All Districts following Board of Zoning Appeals Approval.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. Section 3, (27) of Article II, of the Fort Wayne Municipal Code, Chapter 36, is hereby repealed and in lieu thereof a new Section 3, (27) of Article II of the Fort Wayne Municipal Code, Chapter 36, is hereby enacted as follows:

Section 3. Definitions.

(27) Home Occupation--Any use conducted entirely within a dwelling and participated in solely by members of the family, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no commodity sold upon the premises except that which is produced thereon, and provided, however, in no event shall a tea room or animal hospital be construed as a home occupation.

SECTION 2. Section 13 of Article IV, of the Fort Wayne Municipal Code, Chapter 36, is hereby amended by adding thereto a new subsection G. of Section 13 of Article IV of the Fort Wayne Municipal Code, Chapter 36, which is hereby enacted as follows:

Section 13. Special Uses--Specified Districts.

G. In R1, R2, R3, RA and RB Districts the Board may permit beauty parlors, barber shops, insurance and similar offices which satisfy all the requirements for "Home Occupation", as such term is defined in this Chapter, for a period not to exceed one year from the date of the special use Improvement Location permit issued by authority of the Board. The special use Improvement Location permit may be reissued on each subsequent annual expiration date for an additional year if the Board finds that the public convenience and welfare will be substantially served and that the proposed renewal will not be unduly detrimental to the surrounding area. A public hearing will not be required for renewal permits.

SECTION 3. If any part, parts, section, sections, provision, clause or portion of this ordinance shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this ordinance as a whole

1 or any part, section, clause, provision or portion of this ordinance.

2 SECTION 4. This ordinance shall be in full force and
3 effect from and after its passage, approval by the Mayor, and
4 legal publication thereof.

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6 Councilman

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13 APPROVED AS TO FORM
14 AND LEGALITY.
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16 CITY ATTORNEY
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THE CITY OF FORT WAYNE

department of public safety

June 21, 1974

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers: 22-74/E, 23-74/E and 24-74/D.

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully submitted,

Thomas J. Casabuo
Director of Public Safety

MADE A MATTER OF RECORD

DATE 7-9-74 CHARLES W. WESTERMAN, CITY CLERK



THE CITY OF FORT WAYNE

department of public safety

July 5, 1974

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith is an authenticated copy of the Board of
Public Safety Regulatory Resolution Number 25-74/E.

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolution a matter of record and
incorporate it into the minutes of the next Common Council
Meeting.

Respectfully submitted,

Thomas J. Casaburo

Thomas J. Casaburo
Director of Public Safety

TJC:ss

MADE A MATTER OF RECORD

DATE 7-9-74 CHARLES W. WESTERMAN, CITY CLERK

RETURN CERTIFICATE

(Regulatory Resolution No. ~~22-74/-E~~, 23-74/E & 24-74/D

I hereby certify that I did this ~~21st~~ day of
~~JUNE~~, 1974 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, The City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana, respectively, a copy of the within
23-74/E, 24-74/D
Regulatory Resolution No. ~~22-74/-E~~, of the Board of Public
Safety of the City of Fort Wayne, duly certified by me as
Secretary of said Board, in accordance with the provisions
of Section 20 (a) of Chapter 31, Municipal Code of the City
of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55. adopted FEB. 14, 1961.



EXECUTIVE SECRETARY

REGULATORY RESOLUTION NO. 22-7#E

(Adopted JUNE 21, 1974.)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to Renew and extend Regulatory Resolution
13-74/E

_____ ; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated June 12, 1974, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55. adopted FEB. 14, 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective June 21,

1974, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

STOP INTERSECTION

Barr Street - stop - for Wayne Street

REGULATORY RESOLUTION NO23-74/E

(Adopted JUNE 21, 1974)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No.G -55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to Parking Regulations, One Way Streets and Alleys

_____ ; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated May 31 & June 18 1974, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G -55. adopted FEB. 14. 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective JUNE 21,

1974, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

A. NO PARKING

1. Barr Street - east side - from Berry St. to Wayne St.

B. ONE WAY STREET

1. Barr St. - southbound - from Wayne St. to Washington Blvd.
2. Harmony Court - southbound - from first alley south of Main to Berry St.

C. ONE WAY ALLEY

1. East-West alley between Wayne Street and Washington Blvd. - westbound - from Barr St. to Clinton Street.

D. ONE HOUR PARKING 8:00AM - 6:00PM

1. Barr Street - west side - from Wayne St. to Washington Blvd.

E. DELETE: NO PARKING

1. Barr Street - west side - from Wayne St. to Washington Blvd.

REGULATORY RESOLUTION NO 24-74 /D

(Adopted JUNE 21 , 1974)

WHEREAS, Section 20 (a) (2), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55, adopted FEB. 14, 1961, authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 121 of said chapter as so amended delegates to this Board authority to designate
No Parking

_____; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated May 31, & June 6, 1974, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this Board by Section 121 of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55 adopted FEB. 14. 1961. it is hereby ordered, effective June 21, 1974, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

A. NO PARKING

1. South Wayne Ave. - west side - from Kinnaird Ave to 50' north thereof
2. South Wayne Ave. - west side - from Kinnaird Ave to 50' south thereof
3. South Wayne Ave. - east side - from Kinnaird Ave to 50' north thereof
4. South Wayne Ave. - east side - from Kinnaird Ave to 50' south thereof
5. South Wayne Ave. - west side - from Home Ave. to 150' south thereof

RETURN CERTIFICATE

(Regulatory Resolution No. 25-74 / E)

I hereby certify that I did this 3rd day of July, 19 74 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 25-74/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Secretary of said Board, in accordance with the provisions of Section 20 (a) of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55, adopted FEB. 14, 1961.

EXECUTIVE SECRETARY

REGULATORY RESOLUTION NO. 24-74E

(Adopted July 5, 1974)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. 6-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to Stop Intersection, One Hour Parking
8:00 a.m. - 6:00 p.m.

; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated June 28, 1974, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No 6-55. adopted FEB. 14. 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective July 5, 1974, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

A. STOP INTERSECTION

1. Blairwood Drive - stop - for Forest Valley Drive.

B. ONE HOUR PARKING 8:00 a.m. - 6:00 p.m.

1. Barr Street - west side - from Berry Street to Wayne Street
2. Barr Street - both sides - from Washington Boulevard to Jefferson Street.

STATE OF INDIANA



INDIANAPOLIS

INDIANA STATE HIGHWAY COMMISSION

100 North Senate Avenue
Indianapolis, Indiana 46204

Room 1101, State Office Building
317-633-5816

June 24, 1974

Clerk of Circuit Court
Court House

Re: "RIGHT TURN ON RED" Resolution

Dear Sir:

Attached is a copy of a Resolution permitting or prohibiting the "RIGHT TURN ON RED" or "LEFT TURN ON RED" turning movement at signalized intersections in accordance with the Acts of 1973, and the criteria established by the ISHC. The Resolution furthermore rescinds, as of July 1, 1974, all conflicting Official Actions previously adopted by the ISHC permitting the placing of "RIGHT TURN ON RED PERMITTED AFTER STOP" signs. Furthermore, any "NO TURN ON RED" controls adopted by the Resolution shall be effective on or after July 1, 1974 or whenever signs are installed whichever is later.

Also attached is a copy of the "NOTICE OF OFFICIAL ACTION" of the ISHC regulating the turning movements at all signalized intersections on the State Highway System and under the jurisdiction of the ISHC in your County that is located within the Fort Wayne District. Any "NO TURN ON RED" control adopted by this Official Action in your County is in accord with an engineering investigation that has been conducted at the signalized intersection and is listed in the official engineering investigation book that is on file in the offices of the Commission.

The Fort Wayne District Traffic Engineer has a copy of the traffic engineering investigation and can furnish you the location at which the "NO TURN ON RED" regulation will be imposed. The "NO TURN ON RED" control as adopted by this Official Action shall be effective on and after July 1, 1974 or whenever signs are installed whichever is later. Any and all subsequent changes, additions, deletions, or corrections to the traffic engineering books shall be accomplished by Official Action of the ISHC and copies of such action will be forwarded to you when and if adopted.

If you have any questions pertaining to this specific regulation, please contact the Fort Wayne District Traffic Engineer.

Very truly yours,

Richard A. Boehning
Richard A. Boehning
Chairman

Attachments

cc: City Clerk
Mayor
Clerk of Town Board
President of Town Board
Sheriff
State Police
District

MADE A MATTER OF RECORD
DATE 7-9-74 CHARLES W. WESTERMAN, CITY CLERK

RAB/CAV/md

R E S O L U T I O N

WHEREAS the 1973 Indiana General Assembly enacted legislation to amend IC 1971, 9-4-1, concerning the regulation of traffic on highways by providing for right turns on red lights after stopping; and

WHEREAS the Indiana State Highway Commission adopted a resolution and warrants for control of RIGHT TURN ON RED regulation on April 18, 1974, and

WHEREAS traffic engineering investigations have been conducted at all signalized intersections on the State Highway System and under the jurisdiction of the Indiana State Highway Commission.

BE IT RESOLVED that RIGHT TURN ON RED or LEFT TURN ON RED turning movements shall be permitted or prohibited at signalized intersections in accordance with the Acts of 1973 and the criteria established by the Indiana State Highway Commission.

BE IT ALSO RESOLVED that all conflicting Official Actions previously adopted by the Indiana State Highway Commission permitting the placing of "RIGHT TURN ON RED PERMITTED AFTER STOP" signs are hereby rescinded as of July 1, 1974.

Any "NO TURN ON RED" control adopted by this resolution shall be effective on and after July 1, 1974 or whenever signs are installed, whichever is later.

All subsequent changes, additions, deletions or corrections to these books shall be accomplished by Official Action of the Indiana State Highway Commission.

WITNESS OUR HANDS AND THE SEAL OF THE COMMISSION THIS 13th DAY OF June
1974.

INDIANA STATE HIGHWAY COMMISSION

By:

H. A. Boel
James H. Hunsaker
James H. Hunsaker

ATTEST:

David E. Waggoner

NOTICE OF OFFICIAL ACTION
OF
INDIANA STATE HIGHWAY COMMISSION

WHEREAS, under and by virtue of the Statutes of the State of Indiana relative to traffic regulation, the Indiana State Highway Commission has the authority and the duty to adopt and promulgate regulations in the interest of the safety and convenience of the traveling public using the highways, including streets in cities and towns, under the control of said Commission, be it known that the following traffic regulation is hereby adopted:

Turning movements shall be regulated at all signalized intersections on the State Highway System and under the jurisdiction of the Indiana State Highway Commission in the Fort Wayne District as follows:

SECTION 1, IC 1971, 9-4-1-35 (c) (2), as amended by the Acts of 1973: Where no sign is placed prohibiting such a turn, vehicular traffic facing a steady red signal, after coming to a complete stop, may cautiously enter the intersection to make a right turn or, if turning from the left lane of a one-way street into another one-way street with the flow of traffic, a left turn after stopping as required by other provisions of the Act. Such vehicular traffic shall yield the right-of-way to pedestrians and to other traffic using the intersection.

An engineering investigation has been conducted at the intersections listed in this book and turning movements are permitted in accordance with the above Act or prohibited in accordance with criteria adopted by the Indiana State Highway Commission.

Any "NO TURN ON RED" control adopted by this Official Action shall be effective on and after July 1, 1974 or whenever signs are installed, whichever is later.

NOTE: This action amends and/or supercedes previous official action at the above named location(s).

ADOPTED THIS 15th DAY OF June, 19 74

Approved: Clinton A. Wensle Indiana State Highway Commission
Chief, Division of Traffic

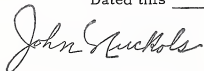
Approved: Robert L. Esker BY: Roger F. Marshall
Chief of Highway Operations Executive Director

Approved: GK Hallack ATTEST:
Chief Highway Engineer

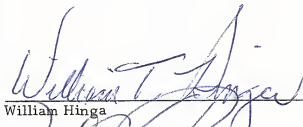
David L. Whorne
Secretary to the Commission

We, the undersigned members of the Common Council of the City of Fort Wayne, due to various other commitments will be unable to attend the Regular Session of the Common Council of the City of Fort Wayne to be held on Tuesday, June 25, 1974. We recognize that because of this a quorum will not be present and no business can be transacted.

Dated this ____ June, 1974.



John Nuckols



William Hinga



Vivian Schmidt



Paul "Mike" Burns



Winfield C. Moses, Jr.



ATTEST:

(SEAL)



Charles W. Westerman
City Clerk

The Council then adjourned.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 9th day of July, 19 74; that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 9th day of July, 19 74.

Charles W. Westerman
City Clerk

SEAL